

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

NORMAN SHAW, JR.,)
vs. Plaintiff,) NO. CIV-09-0250-HE
NURSE GRISMER, et al.,)
Defendants.)

ORDER

Plaintiff Norman Shaw, Jr., a federal prisoner appearing *pro se*, filed this action alleging disability discrimination. Consistent with 28 U.S.C. § 636(b)(1)(B), the matter was referred to Magistrate Judge Robert E. Bacharach, who recommends that the action be dismissed without prejudice based on the plaintiff's failure to pay the initial partial filing fee of \$15.38, despite having sufficient funds in his institutional account, two warnings and a *sua sponte* extension of the payment deadline.

The plaintiff, having failed to object to the Report and Recommendation, waived his right to appellate review of the issues it addressed. United States v. One Parcel of Real Property, 73 F.3d 1057, 1059-60 (10th Cir. 1996). See 28 U.S.C. §636(b)(1)(c); LCvR72.1. Accordingly, the court adopts Magistrate Judge Bacharach's Report and Recommendation and **DISMISSES** the action without prejudice.

IT IS SO ORDERED.

Dated this 29 day of May, 2009.



JOE HEATON
UNITED STATES DISTRICT JUDGE